

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHAD EVANS, et al.,

Plaintiffs,

vs.

INSULATION MAINTENANCE AND
 CONTRACTING, et al.,

Defendants.

Case No. 2:10-cv-01425-LRH-PAL

ORDER

(Mtn to Withdraw - Dkt. #50)

This matter is before the court on the Motion to Withdraw as Counsel of Record (Dkt. #50) filed July 11, 2011. Martha J. Ashcroft seeks to withdraw as counsel of record for Defendant Payroll Systems, Inc. The Motion represents that Defendant has ceased operations and is no longer a going concern. It has no employees or clients, and its assets are offset by its liabilities to the Internal Revenue Service. The former principle of Defendant resides in Canada and is unavailable to participate in the defense of this matter. He has advised counsel that Defendant is financially unable to continue to defend this litigation. Local Rule IA 10-6 provides that “no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result.” The Complaint in this case was filed on August 23, 2010.

Having reviewed and considered the matter, and for good cause shown,

IT IS ORDERED:

1. The Motion to Withdraw as Counsel of Record (Dkt. #50) is GRANTED.
2. A corporation cannot appear except through counsel. *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993); *Rowland v. California Men’s Colony*, 506 U.S. 194, 201-02 (1993). Therefore, Defendant Payroll Systems, Inc. shall

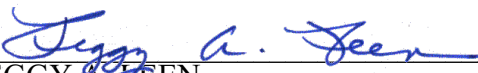
1 have until **August 15, 2011**, in which to retain new counsel who shall file a notice of
2 appearance in accordance with the Local Rules of Practice.

3 3. Failure to comply with this order may result in a recommendation to the District Judge
4 for sanctions, including case-dispositive sanctions.

5 4. The Clerk of Court shall serve a copy of this Order on Defendant Payroll Systems, Inc.
6 at:

7 3575 W. Cheyenne Ave.
8 North Las Vegas, NV 89052

9 Dated this 13th day of July, 2011.

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12 PEGGY A. LEEN
13 UNITED STATES MAGISTRATE JUDGE
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